

Ordinance No. 121624

Council Bill No. 115003

AN ORDINANCE vacating the alley in Block 21, C.D. Boren's Addition to the City of Seattle, being the block bounded by Third Avenue, Fourth Avenue, Madison Street and Marion Street, on the petition of Martin Smith Real Estate Services, whose interest has been acquired by National Office Partners LP, and accepting a Property Use and Development Agreement in relation herein. (C.F. 302209).

CF No. _____

Date Introduced:	SEP 7 - 2004		
Date 1st Referred:	SEP 7 - 2004	To: (committee)	TRANSPORTATION
Date Re - Referred:		To: (committee)	
Date Re - Referred:		To: (committee)	
Date of Final Passage:	10-18-04	Full Council Vote:	7-0
Date Presented to Mayor:	10-19-04	Date Approved:	10/27/04
Date Returned to City Clerk:	10/27/04	Date Published:	2 ppg
Date Vetted by Mayor:		Date Veto Published:	
Date Passed Over Veto:		Veto Sustained:	

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: _____

Committee Action:

7-0 yes (Baker, Bolden, Fasano)

10-18-04 Passed 7-0 (Excused: Liscara)

This file is complete and ready for presentation to Full Council. Commi

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

Co

mc
The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

CONLIN

Richard Conlin

Councilmember

Committee Action:

7-0 yes (Conlin, Gordon, Rasmussen)

10-18-04 Passed 7-0 (Excused: Licata; Absent: Rasmussen)

This file is complete and ready for presentation to Full Council.

Committee:

RC 10/12/04
(Initial/date)

Law Department

Law Dept. Review

OMP
Review

Ans
City Clerk
Review

Electronic
Copy Loaded

Indexed

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Moira Gray/mjg
SDOTBlk21AlleyVacOrd
July 26, 2004
version #1

ORDINANCE 121624

AN ORDINANCE vacating the alley in Block 21, C.D. Boren's Addition to the City of Seattle, being the block bounded by Third Avenue, Fourth Avenue, Madison Street and Marion Street, on the petition of Martin Smith Real Estate Services, whose interest has been acquired by National Office Partners LP, and accepting a Property Use and Development Agreement in relation herein. (C.F. 302209).

WHEREAS, Martin Smith Real Estate Services has filed a petition to vacate the alley in Block 21, C.D. Boren's Addition to the City of Seattle; and

WHEREAS, following a public hearing on the petition, held on September 15, 1998, the petition was conditionally granted; and

WHEREAS, the interest of Martin Smith Real Estate Services has been acquired by National Office Partners LP; and

WHEREAS, the petitioner has executed and recorded a Property Use and Development Agreement to ensure the provision of public benefits including public access with required hours, seating and way-finding signage; and

WHEREAS, the petitioner has executed an access easement on behalf of the YMCA, ensuring access at the south end of Block 21; and

WHEREAS, pursuant to Section 35.79.030, RCW, and Seattle Municipal Code Chapter 15.62, the petitioner has paid the City a vacation fee of \$576,000, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The alley in Block 21, C.D. Boren's Addition to the City of Seattle, as per plat recorded in Volume 1 of Plats, page 25, Records of King County, Washington is hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

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Moira Gray/njg
SDOTBlk21AlleyVacOrd
July 26, 2004
version #1

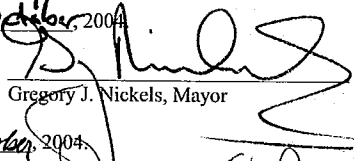
1 Section 2. The Property Use and Development Agreement attached hereto as Attachment
2 A, is hereby accepted.

3
4 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after
5 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
6 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

7
8 Passed by the City Council the 18th day of October, 2004, and signed by me in open
9 session in authentication of its passage this 18th day of October, 2004.

10
11 
12 President _____ of the City Council

13 Approved by me this 27th day of October, 2004.

14 
15 Gregory J. Nickels, Mayor

16 Filed by me this 27 day of October, 2004.

17 
18 City Clerk

19 (Seal)

20 Attachment A: Block 21 Property Use and Development Agreement
21
22
23
24
25
26
27
28

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Return Address:

Seattle City Clerk's Office
PO Box 94728

Seattle, WA 98124-4728



20050602001294

SEATTLE CITY CLERK
PAGE 001 OF 004
06/22/2005 13:04
KING COUNTY, WA

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Please print or type information

Document Title(s) (or transaction contained therein): Ordinance No. 121624

AN ORDINANCE vacating the alley in Block 21, C.D. Boren's Addition to the City of Seattle, being the block bounded by Third Avenue, Fourth Avenue, Madison Street and Marion Street, on the petition of Martin Smith Real Estate Services, whose interest has been acquired by National Office Partners LP, and accepting a Property Use and Development Agreement in relation herein. (C.F. 302209)..

Grantor(s)

- ☒ 1. City of Seattle
☐ Additional names on page ___ of document.

Grantee(s) (Last name first, then first name and initials)

- ☐ 1. National Office Partners Limited Partnership - Refer to King County Recording No. 20040719002891
☐ 2.
☐ 3.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

- ☐ Additional reference #'s on page ___ of document
☐ N/A

Assessor's Property Tax Parcel/Account Number

- #
☐ Assessor Tax # not yet assigned.
☐ N/A

g:\Forms\Recorder Cover.doc

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FILED
CITY OF SEATTLE
2005 JUL 25 AM 10:54
CITY CLERK

Moira Grayling
SDOTBIL21AlleyVacOrd
July 26, 2004
version #1

ORDINANCE 121624

AN ORDINANCE vacating the alley in Block 21, C.D. Boren's Addition to the City of Seattle, being the block bounded by Third Avenue, Fourth Avenue, Madison Street and Marion Street, on the petition of Martin Smith Real Estate Services, whose interest has been acquired by National Office Partners L.P., and accepting a Property Use and Development Agreement in relation herein. (C.F. 302209).

WHEREAS, Martin Smith Real Estate Services has filed a petition to vacate the alley in Block 21, C.D. Boren's Addition to the City of Seattle; and

WHEREAS, following a public hearing on the petition, held on September 15, 1998, the petition was conditionally granted; and

WHEREAS, the interest of Martin Smith Real Estate Services has been acquired by National Office Partners L.P.; and

WHEREAS, the petitioner has executed and recorded a Property Use and Development Agreement to ensure the provision of public benefits including public access with required hours, seating and way-finding signage; and

WHEREAS, the petitioner has executed an access easement on behalf of the YMCA, ensuring access at the south end of Block 21; and

WHEREAS, pursuant to Section 35.79.030, RCW, and Seattle Municipal Code Chapter 15.62, the petitioner has paid the City a vacation fee of \$376,000, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The alley in Block 21, C.D. Boren's Addition to the City of Seattle, as per plat recorded in Volume 1 of Plats, page 25, Records of King County, Washington is hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.



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Moira Gray/mjg
SDOTBIR-21 Alley Vac Ord
July 26, 2004
Version #1

Section 2. The Property Use and Development Agreement attached hereto as Attachment A, is hereby accepted.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 10th day of October, 2004, and signed by me in open session in authentication of its passage this 18th day of October, 2004.

Landrigo
President of the City Council

Approved by me this 27th day of October, 2004.

Gregory J. Nickels
Mayor

Filed by me this 27 day of October, 2004.

Quinn E. Pippin
City Clerk

(Seal)

XMOJAYLW3G

MOJAYLW3G

Attachment A: Block 21 Property Use and Development Agreement



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STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE

} ss

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE DO HEREBY
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT
COPY OF

Ordinance 124024

AS THE SAME APPEARS ON FILE, AND OF RECORD IN THIS DEPARTMENT

IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED
THE SEAL TO THE CITY OF SEATTLE, THIS

JUDITH E. PIPPIN
CITY CLERK

BY *Emily M. Sanchez*
DEPUTY CLERK

24th day of June 2005

When Recorded, Return to.

MCCULLOUGH HILL FIKSO KRETSCHMER
SMITH P.S.
Attention: John C. McCullough
2025 First Avenue
Suite 1130
Seattle, WA 98121



20040719002891

FIRST AMERICAN AC
PAGE 001 OF 011
07/19/2004 15:29
KING COUNTY, WA

This instrument filed for record by
First American Title Insurance Company
As an accommodation only, it has not
been examined as to its execution or
as to its effect upon the title

PROPERTY USE AND DEVELOPMENT AGREEMENT

11/29
CM-2019

Grantor:	1) National Office Partners Limited Partnership, a Delaware limited partnership
	<input type="checkbox"/> Additional on page _____
Grantee:	1) City of Seattle
	<input type="checkbox"/> Additional on page _____
Legal Description (abbreviated):	Lots 1, 2, 3, 4, 5 and 8 in Block 21 of C D Boren's Addition to the City of Seattle, as per Plat recorded in Volume 1 of Plats, Page 25, records of King County, Washington
	<input checked="" type="checkbox"/> Additional on Exhibit 1
Assessor's Tax Parcel ID #:	094200-0320-04, 094200-0340-00, 094200-0346-04, 094200-0345-05, 094200-0325-09
Reference Nos. of Documents Released or Assigned:	N/A

THIS INSTRUMENT is executed this date in favor of the City of Seattle, a municipal corporation (herein "City"), by the National Office Partners Limited Partnership, a Delaware limited partnership ("NOP")

WITNESSETH:

WHEREAS, NOP is vested in fee simple title in the real property situated in King County, Washington, described on Exhibit 1 hereto (herein called the "Property"); and

WHEREAS, NOP applied for and received approval of a Master Use Permit (Project No 9703782) to develop an office building project (the "Project") on the above-described property, and thereafter developed such Project; and

NOP Property Use Development Agreement

Page 1

EXCISE TAX NOT REQUIRED
King Co. Records Division

By [Signature] Deputy

Attachment A



NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

WHEREAS, the Project necessitated the vacation of the alley in Block 21 of C.D. _____'s Addition to the City of Seattle, and

WHEREAS, NOP filed a petition (C.F. 302209 _____) for the vacation of the above-referenced alley pursuant to Chapter 35.79 of the Revised Code of Washington and Seattle Municipal Code Chapter 15.62; and

WHEREAS, the Transportation Committee of the Seattle City Council held a public hearing on the street vacation petition on September 15, 1998; and

WHEREAS, the Transportation Committee of the Seattle City Council subsequently discussed the project in a public meeting; and

WHEREAS, the Transportation Committee of the Seattle City Council recommended approval of the street vacation petition, subject to conditions on September 15, 1998 _____, and

WHEREAS, the Seattle City Council granted approval of the street vacation petition, subject to conditions on September 21, 1998 _____; and

WHEREAS, execution of a Property Use and Development Agreement is desired to ensure compliance with any conditions of alley vacation approval that will not be fully satisfied prior to passage of the ordinance vacating the above-referenced alley,

NOW, THEREFORE, NOP hereby covenants, bargains and agrees on behalf of itself, its successors and assigns, that if the ordinance vacating the above-referenced alley is passed by the Seattle City Council and approved by the Mayor, NOP shall operate and maintain the Project in accordance with this Property Use and Development Agreement.

Section 1. Addressed below are those conditions of the alley vacation approval that require on-going effort during the operation of the Project, and could not, therefore, be met prior to passage of the ordinance vacating the above-referenced alley.

A. Hillclimb Route. The hillclimb route through the Project shall be maintained open to the public from 7 a.m. until 7 p.m. each business day, except for such reasonable closures as may be required for maintenance, repair, security purposes, or for reasons beyond NOP's control. NOP may increase the hours that the hillclimb route is open without prior City approval. The "hillclimb route" is the pedestrian route (i) beginning at the Project entrances on 3rd Avenue, (ii) continuing through the 3rd Avenue atrium, (iii) up the stairs and escalators connecting to the atrium, (iv) through the 4th Avenue lobby, and (v) exiting the Project entrances on 4th Avenue. NOP may adopt such reasonable rules and regulations regarding the use of and access to the hillclimb route as are necessary to ensure the safety or security of the public, the Project or the Property.



B. Pedestrian Amenities: The Project will include (i) in its lobby areas on 3rd Avenue, in what is considered the Atrium space, and 4th Avenue, on both sides of the main entrance (in areas not otherwise used for Project purposes, such as retail spaces and security desks), seating areas for the general public, including tables and chairs in the quantity as provided and documented through digital photos in June of 2004 and attached as Exhibit B, (ii) building-standard directional signage for pedestrians at the 3rd Avenue and 4th Avenue building entrances and at locations on the hillclimb route; and (iii) seasonal landscaping within the 3rd Avenue and 4th Avenue lobby areas. These fixtures and furniture may be replaced, updated or modified (but not reduced in quantity or eliminated altogether) by NOP from time to time without City approval, provided that prior City approval shall be required for modification of signage. NOP may increase the amount of public seating in the future without prior City approval.

Section 2. The legal description of the property upon which the Property is located (the "Property") is included in Exhibit I hereto, which is incorporated herein by this reference. An executed copy of this Property Use and Development Agreement shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property.

Section 3. This Property Use and Development Agreement may be amended or modified by mutual agreement between the City and NOP, according to the following procedure. Minor changes to this Agreement may be approved by SDOT, if the proposed change is consistent with the purpose and intent of the conditions. Any major changes to this Agreement as determined by SDOT, shall require approval by the City Council of the City by resolution or ordinance. SDOT shall provide NOP with notice and the opportunity to comment on whether a change is considered minor or major, prior to SDOT making that determination. Nothing in this Property Use and Development Agreement shall be construed as a surrender of the City's governmental powers.

Section 4. This Property Use and Development Agreement is made for the benefit of the City and the public. The City may institute and prosecute any proceeding law or in equity to enforce this Property Use and Development Agreement.



Section 5 It is further expressly agreed that in the event any covenant or condition or restriction in this instrument or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction.

DATED this 8th day of July 2004

NOP IDX TOWER, L.P., a Delaware limited partnership

By: NOP IDX TOWER GP LLC,
its general partner

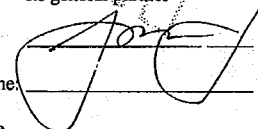
By: National Office Partners Limited Partnership,
its sole member

By: Hines National Office Partners Limited Partnership,
its general partner

By: Hines Fund Management, L.L.C.,
its general partner

By: Hines Interests Limited Partnership,
its sole member

By: Hines Holdings, Inc.,
its general partner

By: 
Name: _____
Title: _____

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On this 8 day of July, 2004, before me, a Notary Public in and for the State of CA, personally appeared James C. Bwire, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who signed the instrument; on oath stated that he was authorized to execute this instrument as the EVP of HINES HOLDINGS, INC., the corporation that executed the instrument, acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified, and acting as said officer of the corporation; that said corporation is the general partner of Hines Interests Limited Partnership, which is the sole member of Hines Fund Management, L.L.C., which is the general partner of Hines National Office Partners Limited Partnership, the general partner of National Office Partners Limited Partnership, which is the sole member of NOP IDX TOWER GP LLC, which is the general partner of NOP IDX TOWER, L.P., a Delaware limited partnership; that said corporation was authorized to execute the said instrument on behalf of said partnership; and that said instrument was the free and voluntary act and deed of said partnership for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written



Persis E. Nakonechny

NOTARY PUBLIC in and for the State of CA, residing at San Francisco

My appointment expires May 11, 2008

Print Name Persis E. Nakonechny

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EXHIBIT A

Legal Description

PARCEL A

LOTS 1, 4, 5 AND 8 IN BLOCK 21 OF ADDITION TO THE TOWN OF SEATTLE, AS LAID OUT ON THE CLAIMS OF C D BOREN AND A.A. DENNY AND H L YESLER (COMMONLY KNOWN AS C.D. BOREN'S ADDITION TO THE CITY OF SEATTLE), AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 25, RECORDS OF KING COUNTY,

EXCEPT THE WESTERLY 9 FEET THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 54135 FOR THE WIDENING OF THIRD AVENUE, AS PROVIDED BY ORDINANCE NO. 14345 OF THE CITY OF SEATTLE,

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL B

LOTS 2 AND 3 IN BLOCK 21 OF ADDITION TO THE TOWN OF SEATTLE, AS LAID OUT ON THE CLAIMS OF C D BOREN AND A.A. DENNY AND H.L. YESLER (COMMONLY KNOWN AS C D. BOREN'S ADDITION TO THE CITY OF SEATTLE), AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 25, RECORDS OF KING COUNTY.

EXCEPT THE EASTERLY 9 FEET THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 50320 FOR THE WIDENING OF FOURTH AVENUE, AS PROVIDED BY ORDINANCE NO. 13074 OF THE CITY OF SEATTLE.



SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

PARCEL C:

TOGETHER WITH ALL AFTER-ACQUIRED RIGHTS AND TITLE IN AND TO ANY PORTION OF THE FOLLOWING DESCRIBED PROPERTY

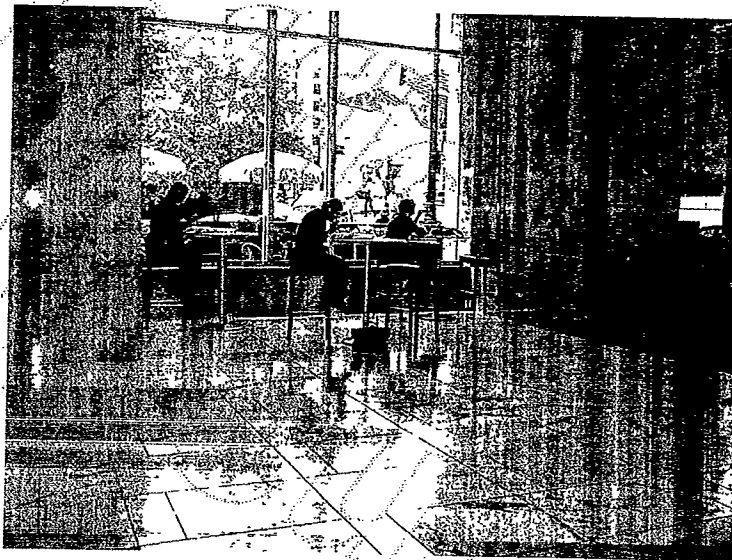
ALLEY IN BLOCK 21 OF ADDITION TO THE TOWN OF SEATTLE, AS LAID OUT ON THE CLAIMS OF C.D. BOREN AND A. DENNY AND H.L. YESLER (COMMONLY KNOWN AS C.D. BOREN'S ADDITION TO THE CITY OF SEATTLE), AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 25,

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

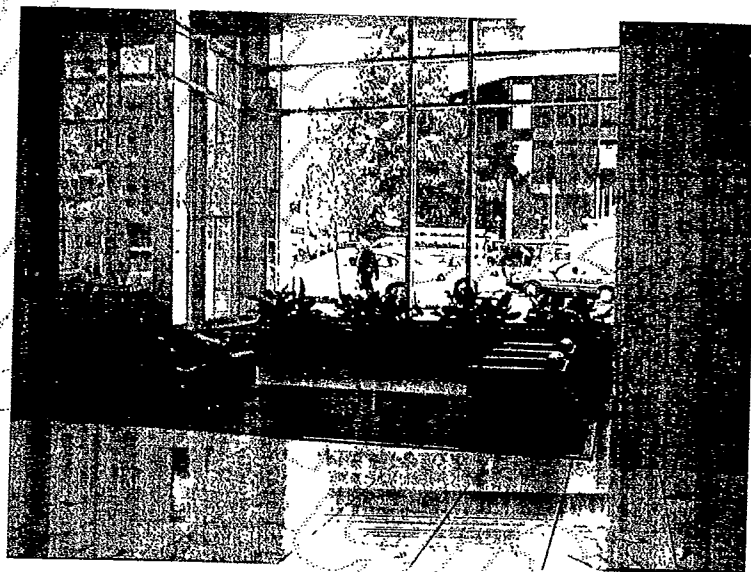
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.



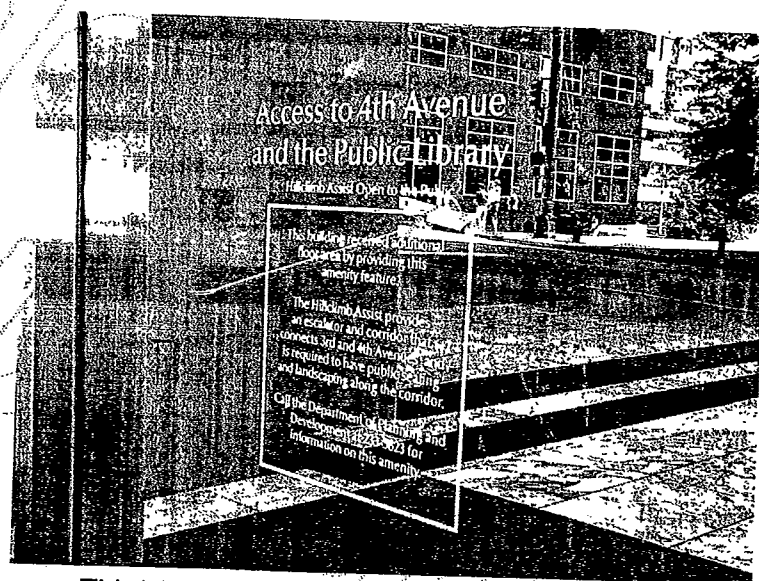
Exhibit B



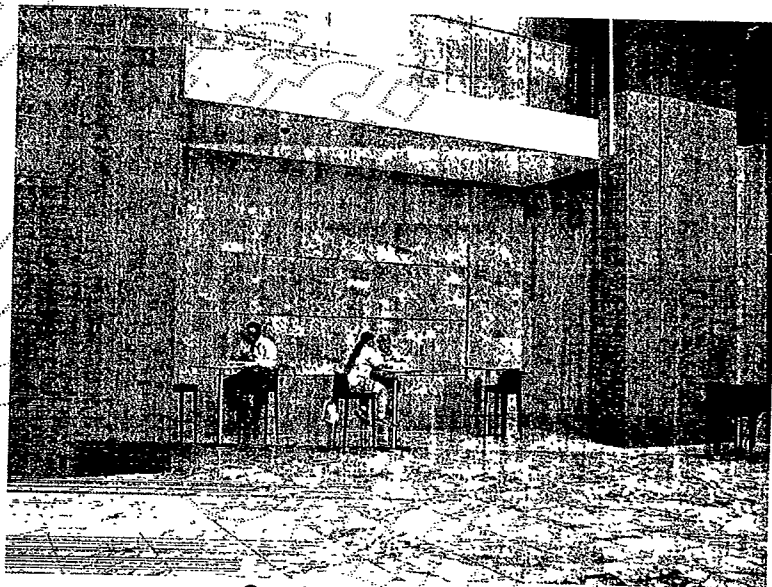
Seating Fourth Avenue alcove to the north of entrance



Seating Fourth Avenue north of main entrance



Third Avenue Street Hillclimb Assist Signage



Seating in Atrium

Moira Gray
July 26, 2004
SDOTBik21AlleyVacOrd
Version #2

Form revised March 16, 2004

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Transportation	Moira Gray 684-8272	Jennifer Devore 615-1328

Legislation Title:

AN ORDINANCE vacating the alley in Block 21, C.D. Boren's Addition to the City of Seattle, being the block bounded by Third Avenue, Fourth Avenue, Madison Street and Marion Street, on the petition of Martin Smith Real Estate Services, whose interest has been acquired by National Office Partners LP, and accepting a Property Use and Development Agreement in relation herein. (C.F. 302209).

• **Summary of the Legislation:**

This Council Bill vacates the alley in Block 21, C.D. Boren's Addition to the City of Seattle and accepts a Property Use and Development Agreement providing for the on-going responsibilities of the petitioner.

- **Background:** (Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):
This Council Bill completes the Block 21 alley vacation process. The City Council granted conditional approval of the vacation in 1998. The petitioner has constructed the 35 story mixed-use project and has satisfied all of the vacation conditions.

- Please check one of the following:

☐ **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

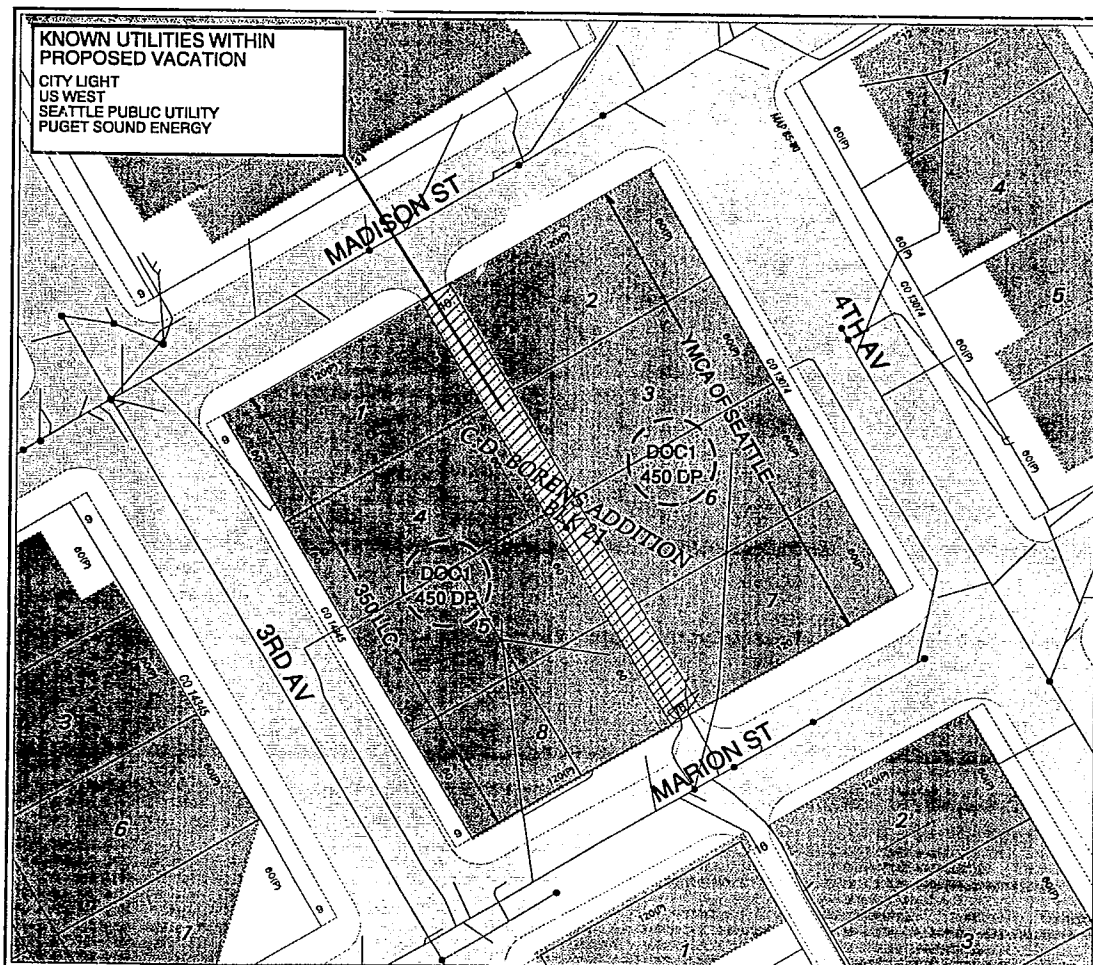
☒ **This legislation has financial implications.** (Please complete all relevant sections that follow.)

Although this legislation does not accept or appropriate funds, SDOT received a vacation fee of \$576,000 in August of 2000, which was deposited in the Street Vacation Fund at that time.

Attachment 1: Map of Street Vacation

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Scale: 1" = 80'



PROPOSED V

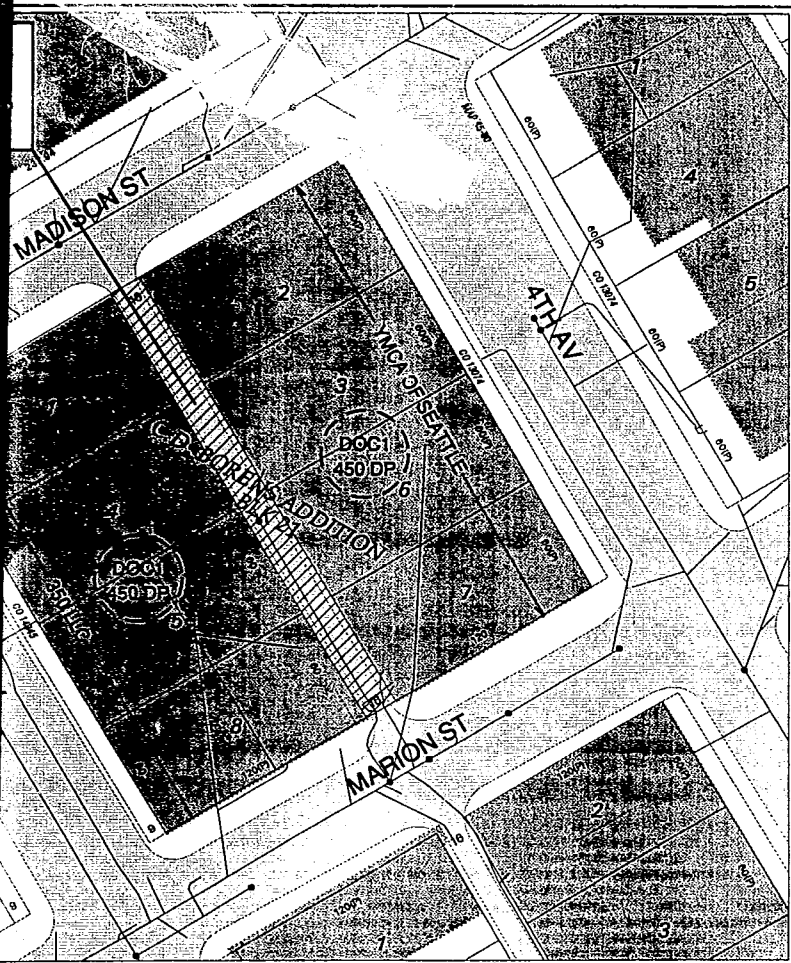
VACATION AREA

SCALE 1"=80' KROLL 40W

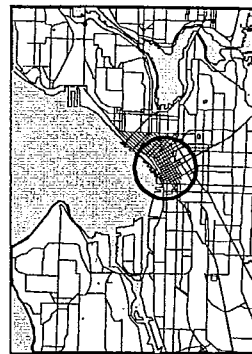
VACATION

CITY CLERK FILE NO. 30
 VACATION PETITION NO. 3779
 VALID SIGNATURES INDICATED BY
 DISPOSITION:
 APPROVD _____ DENIED _____ TER
 INCOMPLETE SIGNATURES INDICATE
 VACATION ORDINANCE NO.
 MADE BY LMK CHECKED BY M.S.

Attachment 1 To Fiscal Note



Scale: 1" = 80'



VICINITY MAP

2633



PROPOSED VACATION AREA

VACATION AREA = 3,840 SQ. FT

SCALE 1"=80' KROLL 40W 1/4 SECTION SE 32-25-4

VACATION SKETCH

CITY CLERK FILE NO. 302209
 VACATION PETITION NO. 3779
 VALID SIGNATURES INDICATED BY _____
 DISPOSITION: _____
 APPROVD _____ DENIED _____ TERMINATED _____
 INCOMPLETE SIGNATURES INDICATED BY _____
 VACATION ORDINANCE NO. _____ DATE _____
 MADE BY LMK CHECKED BY MLS DATE 8-27-97



Attachment 1 To Fiscal Note

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 31, 2004

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

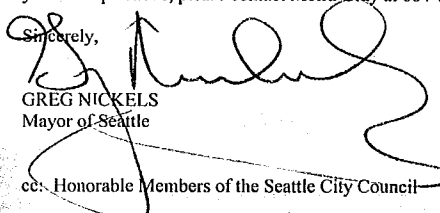
Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill, which vacates the alley in Block 21, C.D. Boren's Addition to Seattle, between Third Avenue, Fourth Avenue, Madison Street and Marion Street in downtown Seattle (C.F. 302209). The original petitioner's (Martin Smith Real Estate Services') interests have been acquired by National Office Partners Limited Partnership. The attached Council Bill vacates the alley, and accepts a Property Use and Development Agreement (PUDA) to address public benefit conditions that last for the life of the project. The PUDA ensures that the petitioner will continue to provide on-going public access and pedestrian improvements within the project. The Seattle Department of Transportation received a vacation fee of \$576,000 in August 2000, which was deposited in the Street Vacation Fund.

The City Council conditionally approved the vacation in 1998, and the project, known as the IDX Tower, was completed in the fall of 2003. The petitioner completed the Council Conditions in July of this year. The IDX Tower provides 35 floors of retail and commercial space, a public atrium, day care facility, and includes a public hill-climb between Third and Fourth Avenues. The interior lobby provides general and café seating, access to retail activities, and Metro information.

This street vacation furthers the goals of facilitating downtown economic development and providing an enhanced pedestrian environment. Thank you for your consideration of this legislation. Should you have questions, please contact Moira Gray at 684-8272.

Sincerely,


GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4747

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: mayors.office@ci.seattle.wa.us

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



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STATE OF WASHINGTON - KING COUNTY

--SS.

178574
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121624 ORD IN FULL

was published on

11/5/2004



Michael D.

Subscribed and sworn to before me on

11/5/2004

Jennifer A. Patzer

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 121824

AN ORDINANCE vacating the alley in Block 21, C.D. Boren's Addition to the City of Seattle, being the block bounded by Third Avenue, Fourth Avenue, Madison Street and Marion Street, on the petition of Martin Smith Real Estate Services, whose interest has been acquired by National Office Partners LP, and accepting a Property Use and Development Agreement in relation here-in. (C.F. 302209).

WHEREAS, Martin Smith Real Estate Services has filed a petition to vacate the alley in Block 21, C.D. Boren's Addition to the City of Seattle; and

WHEREAS, following a public hearing on the petition, held on September 15, 1999, the petition was conditionally granted; and

WHEREAS, the interest of Martin Smith Real Estate Services has been acquired by National Office Partners LP; and

WHEREAS, the petitioner has executed and recorded a Property Use and Development Agreement to ensure the provision of public benefits including public access with required hours, seating and way-finding signage; and

WHEREAS, the petitioner has executed an access easement on behalf of the YMCA, ensuring access at the south end of Block 21; and

WHEREAS, pursuant to Section 35.79.020, RCW, and Seattle Municipal Code Chapter 15.52, the petitioner has paid the City a vacation fee of \$376,000, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The alley in Block 21, C.D. Boren's Addition to the City of Seattle, as per plat recorded in Volume 1 of Plate, page 25, Records of King County, Washington is hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any right-of-way abutting upon said property after said vacation.

Section 2. The Property Use and Development Agreement attached hereto as Attachment A, is hereby accepted.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 18th day of October, 2004, and signed by me in open session in authentication of its passage this 18th day of October, 2004.

Jan Drago

President of the City Council

Approved by me this 27th day of October, 2004.

Gregory J. Nickels, Mayor

Filed by me this 27th day of October, 2004.

(Seal) Judith Pippin

City Clerk

Attachment A: Block 21 Property Use and Development Agreement

See City Clerk for Attachment

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, November 8, 2004.

11/06(178574)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.